

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LASHOYNA TAYLOR,

Plaintiff,

v.

Case No. _____

SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SDI CO., LTD.,
SAMSUNG SDI AMERICA, INC.,
and T-MOBILE USA, INC.,

Defendants.

NOTICE OF REMOVAL
BY SAMSUNG ELECTRONICS AMERICA, INC. AND T-MOBILE USA, INC.

Defendants, Samsung Electronics America, Inc. (“SEA”) and T-Mobile USA, Inc. (“T-Mobile”) (collectively, “Defendants”), by and through their attorneys, WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and the Local Rules of the United States District Court for the Northern District of Illinois, hereby remove this action filed in the Circuit Court of Cook County, Illinois, Law Division, Case No. 2019-L-005640, to the United States District Court for the Northern District of Illinois, Eastern Division, and, and as grounds for removal, state as follows:

BACKGROUND

1. On or about May 23, 2019, Plaintiff, Lashoyna Taylor (“Plaintiff”), filed a Complaint (the “Complaint”) against SEA, T-Mobile, and certain other defendants in the Circuit Court of Cook County, Illinois, Law Division, Case No. 2019-L-005640 (the “State Court Action”). *See* Complaint, attached hereto as part of **Exhibit A**.¹

¹ In accordance with 28 U.S.C. § 1446(a), **Exhibits A** and **B**, attached hereto, constitutes all process, pleadings, and orders received or served upon SEA and T-Mobile, respectively, in the State Court Action.

2. SEA was served with Plaintiff's Complaint on June 3, 2019. *See* Summons and Complaint against SEA, attached hereto as part of **Exhibit A**.

3. T-Mobile was served with Plaintiff's Complaint on June 6, 2019. *See* Summons and Complaint against T-Mobile, attached hereto as part of **Exhibit B**.

4. As of the filing of this notice, SEA and T-Mobile have no knowledge of any other party having been served. Accordingly, under 28 U.S.C. § 1446(b)(2), formal consent to removal from other defendants is not required for purposes of this notice.

5. In the Complaint, Plaintiff alleges that she sustained injuries caused by an allegedly defective Samsung Galaxy S7 Edge phone, and asserts causes of action for strict product liability, negligence, and breach of implied warranty. *See generally* Complaint.

DIVERSITY OF CITIZENSHIP

6. This Court has federal diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1).

7. Plaintiff alleges in the Complaint that she is a citizen and resident of Palos Hills, Cook County, Illinois. Therefore, Plaintiff is a citizen of Illinois.

8. Defendant SEA is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey. Therefore, SEA is a citizen of the States of New Jersey and New York.

9. Defendant T-Mobile is a corporation organized under the laws of the State of Delaware, with a principal place of business in the State of Washington. Therefore, T-Mobile is a citizen of the States of Delaware and Washington.

10. Upon information and belief, defendant Samsung SDI Co., Ltd. ("SDI") is a foreign corporation organized under the laws of South Korea. Therefore, SDI is a citizen of South Korea.

11. Upon information and belief, defendant Samsung SDI America, Inc. (“SDI America”) is a corporation organized under the laws of the State of California, with a principal place of business in the State of California. Therefore, SDI America is a citizen of the State of California.

12. Accordingly, because this is a civil action between citizens of different states, diversity is complete for purposes of 28 U.S.C. § 1332(a)(1).

AMOUNT IN CONTROVERSY

13. With respect to the amount in controversy, the Complaint alleges that as a direct and proximate result of the allegedly negligent acts and/or omissions of the defendants, Plaintiff “sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be cured of her maladies; suffered, and will in the future continue to suffer, great pain, anguish, and physical and mental suffering; and was deprived of earnings to which she might otherwise have been entitled.” *See* Complaint, Count I, ¶ 17.

14. Based on these allegations and the nature of the damages sought, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, thereby satisfying the “amount in controversy” requirement for removal set forth in 28 U.S.C. § 1332(a).

VENUE

15. Venue within the Northern District of Illinois, Eastern Division is proper. The Circuit Court of Cook County, Illinois, where Plaintiff filed her Complaint, is located within the Northern District of Illinois, Eastern Division. Venue is therefore proper within the Northern District of Illinois, Eastern Division pursuant to 28 U.S.C. §§ 93 and 1441(a), because said district

is the district and division embracing the place where such action is pending. Further, upon information and belief, Plaintiff resides within said district and division.

NOTICE OF REMOVAL TIMELY FILED

16. 28 U.S.C. § 1446(b) provides that a defendant may file a notice of removal within 30 days “after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]”

17. The Complaint was served on SEA and T-Mobile on June 3, 2019 and June 6, 2019, respectively, fewer than thirty days prior to the filing of this petition. Therefore, this Notice of Removal is timely filed.

CONCLUSION

18. By reason of the amount in controversy and the complete diversity of citizenship of the parties, this action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332(a). Further, removal is timely pursuant to 28 U.S.C. § 1446(b).

19. In accordance with 28 U.S.C. § 1446(d), SEA and T-Mobile will promptly file a copy of this Notice with the Clerk of Circuit Court in Cook County, Illinois, and will give notice thereof to all adverse parties.

20. In filing this Notice of Removal, SEA and T-Mobile do not waive any defenses that may be available to them, including jurisdictional defenses and their right to move to compel arbitration.

WHEREFORE, Defendants Samsung Electronics America, Inc. and T-Mobile USA, Inc. hereby provide notice that this cause has been removed from the Circuit Court of Cook County, Illinois, Law Division, to the United States District Court for the Northern District of Illinois,

Eastern Division, pursuant to the provisions of 28 U.S.C. §§ 1332, 1441, and 1446, and the Local Rules of the United States District Court for the Northern District of Illinois.

Respectfully submitted,

SAMSUNG ELECTRONICS AMERICA, INC.
and T-MOBILE USA, INC.

By: /s/ Erik J. Tomberg
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, a copy of the foregoing was served by operation of the court's electronic filing systems upon all registered participants, and paper copies will be served via first class mail on those indicated as non-registered participants. Parties may access this filing through the court's system. A copy of the foregoing was also served on the following counsel for plaintiff by electronic mail and first class mail, postage prepaid:

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/s/ Erik J. Tomberg
Erik J. Tomberg